UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/433,741	11/04/1999	YUKIO MURATA	35.G2492	2920

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EXAMINER
WORKU, NEGUSSIE

ART UNIT	PAPER NUMBER
2626	

DATE MAILED: 04/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	Application No. 09/433,741	Applicant(s) MURATA, YUKIO
	Examiner	Art Unit
	Negussie Worku	2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>27 October 2003</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-36* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☒ All   b)☐ Some * c)☐ None of:

　　　1.☒ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
　　　　application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☒ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

1.   Applicant's request for reconsideration of the finality of the rejection of the last

Office action is persuasive and the finality of the office action is withdrawn.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 1, 3 –11, 13-16, 18-21, 23-25, 27-29, 31-33, 35-36 are rejected under 35

U.S.C. 102(e) as being anticipated by Kaneko et al. (U.S.P 6,1340,303).

With respect to claim 1 Kaneko et al. discloses a document scanning device,

comprising: scanning means (sensor 18 of fig 3, for scanning documents) for scanning

an image on a document, see (102 of fig 3); generating means (sensor 18 of fig 3) for

generating image data based on the scanned image, see (col.5, lines 12-19); transfer

means (selection circuit 44, buffer memory 45, 46 in connection with and read/write

address counter 48 and 49 are serving as a data transfer means) for transferring the

image data from said generating means (line sensor 18 of fig 3); determination means

(note the binary/multivalue signal input switch 51 of fig 5) for determining whether the

image data generated by said generation means are binary data per pixel or multilevel

data per pixel (binary data, and multilevel data 50 (p/s) of fig 5); selection means (51 of

fig 5) for selecting a transfer mode for transferring the image data by said transfer

means; and control means (52 of fig 5) for controlling a scanning operation of said

scanning means (102 of fig 3) in accordance with the transfer mode selected by said

selection means, see col.9, lines 14-22.

With respect to claim 3, Kaneko et al. discloses the document scanning device

(line sensor 18 of fig 3) further comprising an interface (I/F 10 of fig 3) for establishing a

connection to an image processing apparatus, (host computer 11 of fig 3) wherein said

transfer means (selection circuit 44, buffer memory 45, 46 in connection with and

read/write address counter 48 and 49 are serving as a data transfer means) transfers

the image data to said image-processing apparatus (11 of fig 3) via said interface (I/F

10 of fig 3).

With respect to claim 4, Kaneko et al. disclose the document-scanning device

(line sensor 18 of fig 3) wherein said selection means (51 of fig 5) selects the transfer

mode in accordance with parameters of said interface (10 of fig 3).

With respect to claim 5, Kaneko et al. discloses the document-scanning device

(line sensor 18 of fig 3) wherein said selection means (51 of fig 5) selects the transfer

mode, based on an instruction from said image processing apparatus (11 of fig 3) via

said interface (10 of fig 3).

With respect to claim 6, Kaneko et al. discloses an image processing apparatus

(102 of fig 3) comprising: input means (line sensor 18 of fig 3) for inputting image data;

transfer means (selection circuit 44, buffer memory 45, 46 in connection with and

read/write address counter 48 and 49 are serving as a data transfer means) transfer for

transferring the image data input by said input (18 of fig 3); determination means for

determining whether the image data input by said input means (18 of fig 3) are binary

data per pixel or multilevel data per pixel (binary/multivalue signal input switch 51 of fig

5); and control means (52 of fig 5) for controlling a transfer path for the image by said

transfer means (selection circuit 44, buffer memory 45, 46 in connection with and

read/write address counter 48 and 49 are serving as a data transfer means) in

accordance with a determination result by said determination means.

With respect to claim 7, Kaneko et al. discloses the image processing apparatus

(11 of fig 5) wherein said input means (18 of fig 3) inputs the image data obtained by

scanning an image on a document.

With respect to claim 8, Kaneko et al. discloses the image processing apparatus

(11 of fig 3) further comprising an interface (I/F 10 of fig 3) for establishing connection to

another image processing apparatus, (11 of fig 3) wherein said transfer means

(selection circuit 44, buffer memory 45, 46 in connection with and read/write address counter 48 and 49 are serving as a data transfer means) transfers the image data to the other apparatus via said interface (I/F 10 of fig 3).

With respect to claim 9, Kaneko et al. discloses the image processing apparatus (11 of fig 3) wherein said control means (52 of fig 5) selects the transfer path in accordance with parameters of said interface (I/F 10 of fig 3).

With respect to claim 10, Kaneko et al. discloses the image processing apparatus (11 of fig 3) wherein said determination means (47 of fig 5) determines, based on an instruction received from said another image processing apparatus (11 of fig 1) received via said interface (I/F 10 of fig 5) whether the image data input by said input means (18 of fig 5) are binary data per pixel or multilevel data per pixel (binary/multivalue data see fig 5).

With respect to claim 11, Kaneko et al. discloses a document scanning device (102 of fig 3) comprising: a scanner (18 of fig 3) which scans an image on a document and generates image data based on the image; a transmitter (selection circuit 44, buffer memory 45, 46 in connection with and read/write address counter 48 and 49 are serving as a data transfer means) which transmits the image data from said scanner 9line sensor 18 of fig 5); a selector (51 of fig 5) which selects a transmission speed for transmitting the image data by said transmitter (selection circuit 44, buffer memory 45, 46 in connection with and read/write address counter 48 and 49 are serving as a data

transfer means); and a controller (52 of fig 5) which controls a scanning operation of said scanner in accordance with the transmission speed selected by said selector (51 of fig 5, see col.9, lines 55-65, col.10, lines 29-35).

With respect to claim 13, Kaneko et al. discloses the document scanning device (line sensor 18 of fig 3) further comprising an interface (10 of fig 3) for establishing a connection to an image processing apparatus, (11 of fig 3) wherein said transmitter (selection circuit 44, buffer memory 45, 46 in connection with and read/write address counter 48 and 49 are serving as a data transfer means) transmits the image data to said image processing apparatus (11 of fig 3) via said interface (10 of fig 3).

With respect to claim 14, Kaneko et al., discloses the document-scanning device, (18 of fig 3) wherein said selector means selector (51 of fig 5), selects the transfer mode in accordance with parameters of said interface (interface I/F 10 of fig 3.

With respect to claim 15, Kaneko et al discloses the document scanning device, (18 of fig 3) wherein said selector means selector (52 of fig 5) selects the transfer mode, based on an instruction received from said image processing apparatus (21 of fig 3) via said interface (10 of fig 3).

With respect to claim 16, Kaneko et al. discloses an image processing apparatus (102 fig 3) comprising: a scanner (line sensor 18 of fig 3) which scans an image on a

document and generates image data based on the image, see (col.8, lines 23-26); a

transmitter (selection circuit 44, buffer memory 45, 46 in connection with and read/write

address counter 48 and 49 are serving as a data transfer means) which transmits the

image data from said scanner (line sensor 18 of fig 3); a detector (binary/multivalue

input of switch 51 of fig 3) which detects whether the image data obtained from said

scanner (18 of fig 3) are binary data per pixel or multilevel data per pixel; and a

controller (switch circuit 52) which controls a transfer path for the image data by said

transmitter (selection circuit 44, buffer memory 45, 46 in connection with and read/write

address counter 48 and 49 are serving as a data transfer means) in accordance with a

detection result by said detector.

With respect to claim 18, Kaneko et al. the image processing apparatus (21 of fig

3) further comprising an interface (10 of fig 3) for establishing a connection to an image

processing apparatus, (21 of fig 3) wherein said transmitter (selection circuit 44, buffer

memory 45, 46 in connection with and read/write address counter 48 and 49 are serving

as a data transfer means) transmits the image data to said image processing apparatus

(21 of fig 5) via said interface (10 of fig 3).

With respect to claim 19, Kaneko et al. the image processing apparatus, (21 of

fig 3) wherein said controller (52 of fig 5) selects the transfer mode in accordance with

parameters of said interface (interface 10 of fig 3).

With respect to claim 20, Kaneko et al. the image processing apparatus, (21 of fig 3) wherein said controller (52 of fig 5) selects the transfer mode, based on an instruction received from said image processing apparatus (21 of fig 3).

With respect to claim 21, Kaneko et al. a control method for a scanner (18 of fig 3) comprising the steps of scanning an image on a document, see (col.8, lines 23-27); and generating image data based on the scanned image see (col.8, lines 23-27; transferring (selection circuit 44, buffer memory 45, 46 in connection with and read/write address counter 48 and 49 are serving as a data transfer means) the image data obtained in the generating step; selecting (51 of fig 5) a transfer mode for transferring the image data in the transferring step; and controlling (52 of fig 5) the scanning operation (scanning operation performed by 18 of fig 3) performed in the scanning step in accordance with the transfer mode selected in the selecting step, see (col.8, lines 23-25).

With respect to claim 23, Kaneko et al. the control (controller 52 of fig 5) method further comprising an interfacing (interface 10 of fig 3) step for establishing a connection to an image processing apparatus, (21 of fig 3) wherein said transferring step transfers the image data to said image processing apparatus (21 of fig 3) during said interfacing step (interface 10 of fig 1).

With respect to claim 24, Kaneko et al. discloses the control method (controller 52 of fig 5) wherein said selecting step selects (selecting means 51 of fig 5) the transfer mode in accordance with parameters of said interfacing step (interface 10 of fig 3).

With respect to claim 25, Kaneko et al. discloses control method for an image processing apparatus, (102 of fig 3) comprising the steps of: inputting image data (image data inputted by line sensor 18 of fig 3); transferring the image data input in the inputting step (selection circuit 44, buffer memory 45, 46 in connection with and read/write address counter 48 and 49 are serving as a data transfer means) determining whether the image data input in the inputting step are binary data per pixel or multilevel data per pixel (binary/multivalue input of switch 51 of fig 5) and controlling a transfer path for the image data in the transferring step in accordance with a determination result in the determining step (selection circuit 44, buffer memory 45, 46 in connection with and read/write address counter 48 and 49 are serving as a data transfer means).

With respect to claim 27, Kaneko et al. discloses the control method 9controller 52 of fig 5) further comprising an interfacing step for establishing a connection to an image processing apparatus, (21 of fig 3) wherein said transferring step transfers the image data to said image processing apparatus during said interfacing step (selection Circuit 44, buffer memory 45, 46 in connection with and read/write address counter 48 and 49 are serving as a data transfer means).

With respect to claim 28, Kaneko et al. discloses the control method (52 of fig 3, as a controller) wherein said controlling step selects the transfer mode (52 of fig 3) in accordance with parameters of said interfacing step (interface 10 of fig 3).

With respect to claim 29, Kaneko et al. disclose a computer readable program (host computer 11 provides a soft ware program for controlling scanner 18 of fig 3) for controlling a scanner, said computer-readable program stored in a storage medium (hard drive of computer 11 of fig 3, can store computer readable program).

With respect to claim 31, Kaneko discloses the computer-readable program (a program generated by computer 11 of fig 3) further comprising an interface step (interface 10 of fig 3) for establishing a connection to an image processing apparatus, (host computer 11 of fig 3 as a processor) wherein said transferring step (selection circuit 44, buffer memory 45, 46 in connection with and read/write address counter 48 and 49 are serving as a data transfer means) transfers the image data to said image processing apparatus (11 of fig 3) during said interfacing step.

With respect to claim 32, Kaneko et al. discloses the computer-readable program, (program provided by host computer 11 of fig 3) wherein said controlling step selects (52 of fig 5) a transfer mode in accordance with parameters of said interfacing (10 of fig 3) step.

With respect to claim 33, Kaneko et al. discloses a computer-readable program for controlling a scanner, (a scanner 18 of fig 3, can be controlled by a software program that inherently embedded in host computer 11 of fig 3) said computer-readable program stored in a medium, (hard ware drive of computer 11 of fig 3).

With respect to claim 35, Kaneko et al. discloses the computer-readable program, (a software program of host computer 10 of fig 3) further comprising an interfacing (interface10 of fig 3) step for establishing a connection to an image processing apparatus, (21 of fig 1) wherein said transferring step transfers the image data to said image processing apparatus (21 of fig 3) during said interfacing step.

With respect to claim 36, Kaneko et al., disclose discloses the computer-readable program (a software program of host computer 10 of fig 3) wherein said controlling (controller 52 of fig 5) step selects a transfer mode in accordance with parameters of said interfacing step (interface 10 of fig 5).

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 2, 12, 17, 22, 26, 30 and 34 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Kaneko et al., (USP 6134030) in view of Serizawa (USP 5,262,801).

        With respect to claims 2, 12, 17, 22, 26, 30 and 34, Kaneko et al., discloses the

document-scanning device (line sensor 18 of fig 3) wherein said control means (52 of fig

5).

        Kaneko et al. does not disclose a controller controls the scanning speed of said

scanning means.

        However, Serizawa in the same area discloses a controller (setting means 2a of

fig 1) controls the scanning speed of said scanning means, see (col.3, lines 59-65).

        Therefore, it would have been obvious to a person with ordinary skill in the art at

the time the invention was made to have modified the image reading apparatus of

Kaneko et al., to include the controller that control the scanning speed of the reading

apparatus.

        It would have been obvious to a person with ordinary skill in the art at the time

the invention was made to have modified the image reading apparatus of Kaneko by the

teaching of Serizawa because of the following reasons: it would have provided users

with a help to control the speed of the scanner to performs signal processing associated

with resolution change-over, as disclosed by Serizawa in col.2, lines 8 -11.

5.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Negussie Worku whose telephone number is 305-5441.

The examiner can normally be reached on 7am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, **Kimberly Williams** can be reached on 703-305-4863. The fax phone

number for the organization where this application or proceeding is assigned is 703-

872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

KIMBERLY WILLIAMS
SUPERVISORY PATENT EXAMINER

Negussie Worku

03/12/04